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Adoption of the report of the Committee on its fifty-fourth session

Draft report

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Addendum

Proposed strategic framework for the period 2016-2017
(*Item 3 (b)*)

Programme 20
Human rights

1. At its 14th meeting, on 10 June 2014, the Committee for Programme and Coordination considered programme 20, Human rights, of the proposed strategic framework for the period 2016-2017 (A/69/6 (Prog. 20)).

2. The United Nations High Commissioner for Human Rights introduced the programme and responded to queries raised during the Committee's consideration of the programme.

Discussion

3. Delegations expressed appreciation for the High Commissioner's presentation of the biennial programme plan for 2016-2017. Member States attached great importance to the programme and emphasized its guiding principles of universality, objectivity, impartiality, indivisibility and non-selectivity. The Committee expressed its desire to be able to approve the biennial programme plan collectively, in a manner that would send the right message to the international community on the importance of human rights as a core mandate of the United Nations.

4. Concerns were raised on procedural aspects of the programme. In particular, it was stressed that the programme, like all other programmes, must be formulated in accordance with the Regulations and Rules Governing Programme Planning, the

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Programme Aspects of the Budget, the Monitoring of Implementation and the Methods of Evaluation (ST/SGB/2000/8), in particular regulation 4.8. In that regard, some delegations expressed the view that the agreed procedures of programme planning had not been followed, as the proposed biennial programme plan had not been officially reviewed by the Human Rights Council prior to its submission to the Committee at its fifty-fourth session. The view was expressed that, had the biennial programme plan in previous bienniums been reviewed by the Council prior to the sessions of the Committee, they would not have been put up for a vote by the Third Committee.

5. Other delegations, however, expressed the view that the Committee for Programme and Coordination was fully within its mandate to review the biennial programme plan without it having to be officially considered by the Council. In that regard, a number of delegations referred to the decision of the Office of Legal Affairs, contained in the *United Nations Juridical Yearbook 2007*, stating that the Human Rights Council was not a relevant organ, in the sense of regulation 4.8, to review the biennial programme plan of the Office of the United Nations High Commissioner for Human Rights (OHCHR). In reply, other delegations asked about the legal basis that enabled the Office of Legal Affairs to rule that the Council was not a relevant organ. One delegation did not agree with the view of the Office that it was not normally its role to address the Committee outside of the consideration of programme 6, Legal affairs, and stressed that the overall purpose of the Office was to provide advice to the principal and subsidiary organs of the United Nations. In that regard, the delegation emphasized that it was within the purview of Member States to call upon the Office to provide information and advice so as to enable Member States to take informed decisions.

6. Member States welcomed the informal meeting of 12 May between the High Commissioner and Member States. It was noted that the High Commissioner had called the meeting in accordance with President's statement 15/2 (A/HRC/PRST/15/2), in which the Council invited the High Commissioner to present to it the proposed strategic framework prior to its submission to the Committee. However, it was also noted that the meeting should not alter the existing rules and lines of accountability with respect to the rules of procedure on programme planning for OHCHR.

7. Delegations noted that key mandates, such as those contained in General Assembly resolutions 55/2, on the Millennium Declaration, 57/300, on strengthening of the United Nations: an agenda for further change, 60/1, on the 2005 World Summit Outcome, and 65/1, on keeping the promise: united to achieve the Millennium Development Goals, to which Member States attached great importance and which had been included in the biennial programme plan for 2014-2015, had been taken out of the overall orientation of the proposed biennial programme plan for 2016-2017.

8. It was emphasized that several mandates included in the biennial programme plan had expired, such as Human Rights Council resolution 22/1, on promoting reconciliation and accountability in Sri Lanka, which had expired in March 2014, and Human Rights Council resolution 24/24 on cooperation with the United Nations, its representatives and mechanisms in the field of human rights, on which action had been deferred by the General Assembly.

9. Concern was expressed that several important phrases had been deleted from the biennial programme plan compared with that of the previous biennium, in

particular the phrase "with the consent of the parties". Regarding paragraph 20.4, Member States questioned why the words "on all international recognized grounds, including race, sex, language or religion" had been omitted from the description of priorities. Other delegations, however, expressed support for the efforts of the Secretariat to streamline the current document.

10. Member States enquired as to the lessons learned from the 2012-2013 biennium, as noted in paragraph 20.7, and how they had been applied in developing the programme plan for the biennium 2014-2015.

11. Some Member States expressed the view that greater importance should be given to sustainable development. The concern was raised that no reference to the outcome document of the United Nations Conference on Sustainable Development was made in the biennial programme plan.

12. Questions were raised by some Member States concerning the inclusion of gender mainstreaming in the biennial programme plan, noting that the programme was guided by non-selectivity and should give equal importance to all human rights. Some Member States emphasized that, under Part A, Human rights mainstreaming, of subprogramme 1, Human rights mainstreaming, right to development, and research and analysis, OHCHR should focus on its comparative advantage and that gender mainstreaming in the United Nations system should be carried out by the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women). Other Member States fully supported the inclusion of gender mainstreaming in the work of OHCHR. However, it was noted that the term should be defined more clearly and used consistently, as the objective of Part A of subprogramme 1 referred to "their gender dimension", while "the gender dimension" was used in other parts of the document.

13. Comments were also made on the inclusion of other themes in the biennial programme plan, such as peace and security, development and human rights, as noted in Part A of subprogramme 1. It was noted that all aspects of human rights should be taken into account in the biennial programme plan. Delegations supported the efforts of OHCHR with respect to peacekeeping, peacebuilding and commissions of inquiry, as noted in paragraph 20.9 of the strategy. Regarding expected accomplishment (a) and the related indicator of achievement (a) under Part A of subprogramme 1, the view was expressed that the formulation had been more inclusive in the biennial programme plan for 2014-2015, and that it would be better to revert to that formulation.

14. The view was expressed that OHCHR seemed to give less importance to Part B, Right to development, of subprogramme 1, as the approved language in the previous biennium had been removed from the strategic framework for 2016-2017. Concerns were raised as to whether the expected accomplishments and indicators of achievement were effective in measuring the progress of the implementation of the right to development at the operational level. The concern was noted that there should be a balanced approach between Parts A and B of subprogramme 1. Concerns were expressed about the focus of an entire section on the "right to development" when work was needed to reach a consensus definition of that term. Concerns were also expressed about the inclusion of the Durban Declaration and Programme of Action as part of the focus of the OHCHR strategy.

15. It was mentioned that the role of OHCHR in implementing subprogramme 2, Supporting human rights treaty bodies, should focus on providing secretarial assistance to treaty bodies, as implied by the name of the subprogramme. In that regard, the view was expressed that analytical work was a function of experts from the relevant treaty bodies and that the independence of the treaty bodies should be respected by OHCHR and the State parties.

16. Member States noted that expected accomplishment (b) and the related indicator of achievement (b) under subprogramme 2 did not correspond to General Assembly resolution 68/268, on strengthening and enhancing the effective functioning of the human rights treaty body system. The opinion was voiced that the Secretariat had no right to influence the decision of States as to whether to follow the new methods, and that the efforts of the treaty bodies themselves to improve the methods of work should not go beyond their relevant international treaties.

17. Clarification was sought as to the expected accomplishments and indicators of achievement under subprogramme 3, Advisory services, technical cooperation and field activities, including expected accomplishment (g), on providing timely and effective assistance to requesting States in the implementation of recommendations of human rights treaty bodies, the Human Rights Council and its subsidiary bodies and mechanisms. A query was raised as to how the related indicator could be used to measure this accomplishment, given that all of the bodies referred to were advisory in nature and that the implementation of their recommendations was dependent on the will of the States concerned.

18. The view was expressed that subprogramme 3 should focus on advisory services and technical cooperation in the promotion and protection of human rights, which should be directed primarily at strengthening national capacities and raising awareness.

19. The concern was raised that OHCHR should also provide assistance to Member States concerning technical cooperation activities and not only in follow-up to the recommendations of mechanisms. It was emphasized that the implementation of assistance or services to States and relevant stakeholders at the national level in the field of the protection of human rights should be made possible only after consulting with and gaining the consent of the States concerned.

20. Views were expressed on the new branch created to support the universal periodic review, and a question was raised as to why the expected accomplishment had been moved from subprogramme 3 to subprogramme 4. Some Member States enquired how the impact of the new branch would be measured. Others pointed out that the expected accomplishment and related indicator of achievement concerning the universal periodic review and information concerning the review in the strategy did not appropriately reflect the request made by the General Assembly in its resolution 66/246 that the Secretary-General designate capacity to support the review.

Conclusions and recommendations

21. **The Committee recommended that the General Assembly approve the programme narrative for programme 20, Human rights, of the proposed strategic framework for the period 2016-2017 in line with the text for the**

biennium 2014-2015 adopted by the General Assembly in its decision 67/542, subject to the following modifications:

Subprogramme 1
Human rights mainstreaming, right to development, and research and analysis

A. Human rights mainstreaming

Expected accomplishments of the Secretariat

Replace expected accomplishment (b) with the following:

"(b) Strengthened capacity of the United Nations system, including United Nations country teams, to further integrate all human rights into their respective programmes and activities and to assist countries, at their request, in building and strengthening national human rights promotion and protection capacities"

Replace expected accomplishment (c) with the following:

"(c) Wider knowledge within the entire United Nations system, including United Nations country teams, of relevant human rights issues while taking into account disability and gender-mainstreaming issues"

Indicators of achievement

In indicator (b), delete the words "common country".

Strategy

Paragraph 20.9

Replace the words "by States" with "by all States, including, upon States' request, through United Nations country teams".

Subparagraph (e) of paragraph 20.9

Delete the words "including those without a United Nations country team presence".

Legislative mandates

The list of legislative mandates should follow those reflected in the proposed strategic framework for the period 2016-2017 (A/69/6 (Prog. 20)).

Under "General Assembly resolutions", add the following:

68/237 Proclamation of the International Decade for the People of African Descent (subprogramme 1);

68/268 Strengthening and enhancing the effective functioning of the human rights treaty body system (subprogramme 2).

Subprogramme 4
Supporting the Human Rights Council, its subsidiary bodies and mechanisms

Under "Human Rights Council resolutions and decisions", delete the following:

24/24	**Cooperation with the United Nations, its representatives and mechanisms in the field of human rights.**

For each mandate (country and thematic) expiring before the commencement of the 2016-2017 biennial programme plan, insert the following after the title: "(to be reconsidered in [year])".